

**REPORT
ON
NEW JERSEY**

**BY THE
NEW JERSEY ADVISORY
COMMITTEE TO THE
UNITED STATES COMMISSION
ON CIVIL RIGHTS**

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REPORT ON NEW JERSEY

Housing, Employment Opportunities,
and
Apprenticeship Training



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Report of the New Jersey Advisory Committee
to the
UNITED STATES COMMISSION ON CIVIL RIGHTS
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Preface

This report was submitted to the United States Commission on Civil Rights by the New Jersey State Advisory Committee. The New Jersey Committee is one of the 51 Committees established in every State and the District of Columbia by the Commission pursuant to section 105(c) of the Civil Rights Act of 1957. Its membership consists of interested citizens of standing who serve without compensation. Among the functions and responsibilities of the State Advisory Committees, under their mandate from the Commission on Civil Rights, are the following: (1) to advise the Commission of all information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; (2) to advise the Commission as to the effect of the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution; and (3) to advise the Commission upon matters of mutual concern in the preparation of its final report. The Commission, in turn, has been charged by the Congress to investigate allegations, made in writing and under oath, that citizens are being deprived of the right to vote by reason of color, race, religion, or national origin; to study and collect information regarding legal developments constituting a denial of equal protection of the laws; to appraise Federal laws and policies with respect to equal protection; and to report to the President and to the Congress its activities, findings, and recommendations.

The New Jersey Advisory Committee was reconstituted early in 1962. Soon afterwards, the Committee conducted a survey of informed individuals and groups in the State in an effort to determine the most critical civil rights problems facing New Jersey. In addition to the survey, members of the Committee attended hearings held by the United States Commission on Civil Rights at Newark, on September 11 and 12, 1962. Shortly thereafter, the Advisory Committee conducted public meetings in Camden and Trenton, on October 15 and 17, respectively.

Upon evaluation of the testimony developed during the Commission hearings and the Committee's open meetings, the New Jersey Advisory Committee decided to report in depth on three subjects: Availability of housing to minority groups; employment opportunities; and apprenticeship training in New Jersey. Accordingly, subcommittees of the Advisory Committee on housing, headed by Professor Walter Murphy of Princeton University, and on employment and

apprenticeship, headed by Mrs. Millicent Fenwick of Bernardsville, were formed and assigned the task of gathering information for the following report. The three public sessions mentioned above constitute the source of most of the information used, although supplementary interviews and other methods were subsequently utilized. The three reports were approved by the full Advisory Committee before being submitted to the U.S. Commission on Civil Rights.

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Introduction

New Jersey has been a leader in the field of civil rights, both in law and in practice. The situation today, however, is not totally satisfactory. In the face of an ever-mounting nonwhite population in the State, both whites and nonwhites are caught on the horns of an economic and sociological dilemma.* A combination of factors, related to this imbalanced population increase, and covered in this report, have created an explosive racial climate. Remedies, requiring both the combined efforts of leaders in government, industry, labor, churches, and civic organizations, and responsible action by all our citizens, are needed quickly. The problems are multiple. The hour grows late. Easy solutions are not available, but solutions must be found now or we shall face even more difficult problems a year from now.

* Total New Jersey population, according to the 1960 census, is 6,066,000. Of this figure 527,000 are nonwhites, 514,000 of these being Negroes. From 1950-60, the white population has increased 22.8 percent as compared to a 63 percent increase on the part of the nonwhite population.

PART I. HOUSING

1. Housing for Racial Minorities

The problem of housing involves more than mere physical shelter. Since the home is the center of family life and the neighborhood has traditionally been the center of other close associations, the kind, condition, and location of housing vitally affect social status in the larger community as well as the aspirations, expectations, and achievements of the immediate residents. When, as is often the case for racial minorities, housing in deteriorating neighborhoods is also segregated, the situation is materially worsened. The minority racial group is to that extent further isolated from the informal controls, rewards, values, and sanctions of the dominant society. Furthermore, by causing segregated schools and recreational and social facilities, segregated housing increases cultural isolation and reduces the ability not only of the current generation, but also of the next, to recognize and utilize the opportunities in which American society takes so much pride.

Housing available to nonwhites in New Jersey is generally inadequate. What housing there is, at least in the metropolitan areas, is largely in segregated neighborhoods. This can be seen in even a quick drive through the teeming ghettos--in public as well as private developments--of cities like Newark, Trenton, and Jersey City.

Statistics tell only a small part of the story, but they are indicative of the situation in which the nonwhite finds himself. According to the 1960 census only 51.9 percent of nonwhite household heads in New Jersey, residing in towns of more than 10,000 inhabitants, lived in sound housing with all plumbing facilities. Only one-third of nonwhite families in such towns lived in homes they owned or were buying; 64 percent of whites, on the other hand, lived in such homes. The median value of residences owned by nonwhites was \$9,500; the median value of all homes in the State was \$15,600. In Trenton, 38.7 percent of nonwhites were renting places classified by the Census Bureau as "deteriorating" or "dilapidated." In Newark, the figure was 52.5 percent.

These substandard conditions are due partly to economic factors, partly to historical circumstances, and partly to racial prejudice.

Even where there are no social pressures or informal barriers to open occupancy, most nonwhites cannot afford, at least in the private market, housing equivalent to that of whites.¹ The median income for white males in New Jersey urban areas was \$5,229; for nonwhite males, only \$3,406. The median education for whites over 25 was 10.8 years; for nonwhites, 8.8. Only 8,581 nonwhites over 25 had completed college; one thirty-fourth the number of whites at a time when nonwhites composed approximately one-twelfth of the State's population.

Historical accidents have played a role in the housing situation of nonwhites. As table I indicates, the nonwhite population of New Jersey has increased dramatically since 1940. As in the Nation as a whole, this influx largely represents a migration of Negroes from the South to northern industrial centers. General housing problems during and immediately after World War II complicated the situation for these people. Moreover, many of them possessed only rudimentary agricultural skills and were shunted off into low-paying, menial jobs--last hired, first fired. In addition, during the 1940's the attitude of Federal agencies concerned with both public housing and insuring or obtaining loans for private building reflected a widespread opposition to racially mixed neighborhoods and helped to strengthen existing patterns of segregated in housing.²

TABLE I

	1940	1950	1960
Total population	4,160,165	4,835,329	6,066,782
Nonwhite population	229,078	323,744	527,779
Percentage of total	5.5%	6.7%	8.7%
Total population growth	-	16.2%	25.0%
Nonwhite population growth	-	41.0%	63.0%

A third cause of the nonwhite's housing plight has been prejudice, ranging on a spectrum from unabashed bigotry to toleration that falls just short of full acceptance of the practical effects of equality before the law. These sentiments, whether personally held by real estate agents, bankers, and property owners or merely believed by them to be held by the white community, have caused whites to be unwilling to rent to nonwhites and reluctant

to sell or loan to them except at premium prices. While most mortgage bankers probably do not follow a general policy of racial discrimination in making loans,³ it is a fact, as the census figures show, that a significant number of nonwhites lack the job security or education to be classified as sound risks. Moreover, while they are reluctant to say so publicly, some bankers will admit in private that they are afraid to lend money to nonwhites who plan to move into a previously all-white neighborhood. First, many mortgagees still believe that the presence of nonwhites in a block lowers property values.⁴ Conceding that Negroes must often pay higher prices for equivalent housing than whites, one banker explained in an Advisory Committee interview: "When a Negro moves into a white area, housing values are going to drop and we don't want to be caught holding a mortgage equal to a hundred or a hundred and ten percent of the resale value of the house." However mistaken such views may be, the fact remains that they are widespread and so can become a self-fulfilling prophecy. Second, mortgage bankers are sometimes concerned that they will stir up ill will among their stockholders in particular and the white community generally if they help nonwhites "invade" white neighborhoods.

Despite some overt efforts by boards of realtors to instruct their members on the obligations of the State's 1961 fair housing law, foot-dragging and outright evasion by individual realtors intensifies the problem of racial minorities. Herbert H. Tate, chairman of the Housing Committee, New Jersey State Conference of Branches, National Association for the Advancement of Colored People, told the U.S. Commission on Civil Rights at the Newark hearing that it was an accepted belief of New Jersey real estate men that a sale to a Negro in a white community causes a decline in property values.⁵ Brokers also fear that the white clients--current and future--on whom they depend for a living, would in effect boycott those real estate agents who introduced "undesirables" into a neighborhood. Isham Jones, supervisor of Compliance, New Jersey Division on Civil Rights, told the United States Commission at Newark:⁶

A survey by the Division on Civil Rights in July 1959 of "79 real estate brokers" located in 54 communities in 17 counties responded to the question:

"Has your agency made any residential sales to Negroes, Puerto Ricans, and Jews?" Forty-seven said they sold to Negroes, 15 sold to Puerto Ricans, 64 have sold to Jews, and 2 have sold to Orientals.

One broker stated that: "Some of the lake communities in the northern part of the State have restrictions against Jews. These communities usually operate under a so-called club plan."

Concerning the question: "Has your agency ever lost sales because your buyer could not obtain a mortgage due to his nationality, race, or religion?" Four agents said that they have lost sales because the buyer could not obtain a mortgage because of his nationality, 10 because of race, and 6 because of religion. In Morris County an agent said: "Sometimes banks won't lend money in areas where Negroes purchase. Discrimination against Jews in exclusive communities is very bad."

On the question of "How do you handle the sale or rental of properties owned by Negroes or Puerto Ricans?" The comments made were much alike. Sales are handled the same as any others, but the buyers are usually Negroes or Puerto Ricans, because whites are not interested. One Union County agent stated that when he places ads in the newspaper indicating an interracial home is for sale, he will get only Negro buyers.

Restrictions placed on the sale or rental of property are also carried over into multiple listing arrangements, thus binding all brokers who participate in such arrangements. Moreover, one broker stated that he would use his own judgment as to the type of restriction that should be put on a piece of property when it is offered through a multiple listing service.

Evidence of such independent action on the part of real estate brokers was found by the B'nai B'rith Anti-Defamation League of Essex County in the course of a 1962 survey of a device known as "PATO." The initials stand for "Purchaser acceptable to owner," and indicate that the seller is free to refuse any buyer who, for one reason or another, is unacceptable to him. In effect, however, brokers frequently used this device without the sellers' knowledge. According to Isham Jones:⁷

The evidence indicated that listings carried this classification even though the owner of the property did not give his permission. Not only does such a listing conspire to keep certain areas free of Jews, but also members of other minority groups.

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The division has received complaints against landlords who refused to rent apartments to Negroes and Puerto Ricans. In most instances landlords have agreed to rent the property to the complainant after investigation. Minority groups able to afford extremely high or excessive rentals for apartments seem to have little difficulty in securing apartments. The Negro or Puerto Rican who can only afford low or middle-class rents have the greatest difficulty in getting apartments.

While New Jersey's 1961 law against discrimination in housing has not yet been given a fair trial, real estate brokers seem to have already developed several tactics which probably violate the law, but do so in a manner which makes prosecution extremely difficult if not impossible. A nonwhite who inquires about housing in a currently white neighborhood may be told that nothing is available. If such housing has been advertised for sale, the inquiring nonwhite may be told that a deposit has just been placed on the property, or the agent may take the nonwhite to visit the property, but only after arranging that no one would be at hand to show the place. If all else fails, the agent may begin negotiations, stalling and dragging them along until a sale to another party can be regretfully announced.^o In the past, at least, FHA officials have sometimes passively, if not actively, cooperated in this last kind of maneuvering.

It should be noted in passing that local boards of realtors which elect their own members rarely allow duly licensed nonwhites to join. By excluding nonwhite real estate agents, white brokers do not, of course, deny them the right to practice their profession. Exclusion, however, does make the practice more difficult by cutting off the nonwhite broker from multiple listings. This exclusion also restricts the housing market available to nonwhite buyers and renters likely to be dealing through a nonwhite realtor.

2. Public Housing and Urban Renewal

There has been a marked tendency for public housing projects in New Jersey to become segregated. Up to about the last decade this situation was in larger part a planned effect. Louis Danzig, executive director of the Newark Housing Authority said candidly at the hearings of the U.S. Commission on Civil Rights in September 1962, that it was not until 1950 that his agency shifted from a conscious policy of segregation to one of integration.⁹ In more recent years, segregation has resulted because of the location of projects within or on the edges of already predominantly nonwhite neighborhoods, unrealistically low income ceilings making it difficult for any but unskilled nonwhite workers to qualify,¹⁰ and the unwillingness of many whites to live in a neighborhood which they fear might become heavily nonwhite. Speaking of this fear among whites, several directors of public projects have insisted that the only way of keeping even a well placed public development from becoming all nonwhite is through the imposition of a controlled quota system.

Urban renewal and interstate highway programs have been aggravating the already severe housing problems of nonwhites. Urban renewal means slum clearance, and while slums are hardly a nonwhite monopoly, a disproportionate number of nonwhites are slum dwellers. There is conflicting testimony about the exact percentage of nonwhites who are or soon will have to be relocated because of public programs. In Newark about 6 times as many nonwhite families as white families are being uprooted by current programs. Current Federal regulations require that prior to the beginning of demolition there must be made available to all residents of the affected area sound housing at comparable cost and in the same community. The Housing and Home Finance Agency requires in working out a "workable program" that an advisory committee with wide membership be formed. Louis Danzig, executive director of the Newark Housing Authority admitted at the Commission's Newark hearing that such a Committee had never been formed. The extent of citizen participation, he said, is:¹¹

The housing authority . . . composed of six nonsalaried members who set the policy. They come from all walks of life and all people are represented thereon. The activities of the housing authority cannot go forward, no matter what they say or do, without Federal sanction. They have racial relations advisers and tenant selection and site selection people.

Now, then, at the local level there's a planning board composed of nine citizens from all walks of life without whom we cannot select a site. Now, even if they say, "This is a good site and we approve it," we then have to go before the mayor and nine councilmen elected by the people from all walks of life and all districts and wards represented in the city. Finally, there are public hearings commanded by law on all this sort of thing, on site selection and the whole business. Now, then, I, too, am a citizen, and my staff is composed of citizens. Now, what wider citizen participation can we possible get?

Are we supposed to pile committees on top of committees and develop a committee form of government rather than a representative form of government? This is a brand new thing, this advisory committee, this wider citizen participation.

Mr. Danzig conceded the requirement of a citizens' advisory committee, but doubted it could act retroactively since the sites had already been selected.

It appears that public officials often fail to inform residents of their rights or neglect to make offers of assistance in securing these rights. There have been numerous complaints voiced by white and nonwhite civic groups about this laxity, and the Trenton Council on Human Relations told the Advisory Committee of a systematic survey of families recently displaced from the Coalport section of the city, in which 1 out of every 10 families was interviewed. Every person interviewed denied having been offered assistance in relocation. Not all the evidence is on one side, of course. In the John Fitchway project in Trenton, officials were apparently very solicitous of the rights of residents.

The interstate highway program causes even more serious problems. Understandably, where urban regions have to be traversed, highway planners try to route the new thruways across slum neighborhoods and thus accomplish a double purpose. Slum clearance is long overdue in most cities, but under existing regulations, highway planners are not required to make any provision whatsoever to assist in relocating the residents of affected areas.

These difficulties have caused many people to wonder whether such programs are not destroying existing slum areas only to create others. Displaced nonwhites, lacking guidance, subject to discrimination in the open housing market, and troubled by lower incomes than whites, usually end up in another deteriorating neighborhood

which will soon be converted first into a new ghetto, then into a new slum. This probability is increased by the fact that new housing in the renovated area is invariably far beyond the economic reach of the old residents, as Robert G. Guempel, president of the Mortgage Bankers Association of New Jersey, testified at the Newark hearing:¹²

These luxury, 21-story buildings that are replacing many of the slum areas require rents ranging from \$42 to \$50 a room to carry the building, and I think some thought should be given to a different type of reuse for this land, with different type buildings on it, so that the rent levels would be somewhere in the neighborhood of \$25 to \$34 a room, and in that way they would in all probability meet the needs of the people that were being displaced in the first place.

"Urban Removal" has become a popular name for Urban Renewal in New Jersey, just as "Urban Resegregation" was the term widely applied in Chicago to describe the renovation of the South Side blocks around the University of Chicago.

3. Positive Action

There is, of course, another side to the State's ledger. As Herbert Tate, chairman of the Housing Committee of the New Jersey NAACP, told the United States Commission, the State has made "tremendous advances"¹³ in the last 15 years. Democratic and Republican Governors and legislators have recognized the seriousness of the existing problems and have taken legal steps to improve the situation. Since 1945 New Jersey has had an increasingly comprehensive set of civil rights laws enforced by a government agency known as the Division on Civil Rights. In the housing field, a 1957 statute forbade discrimination because of race in the sale or rental of "publicly assisted" housing; that is, housing built with State funds or secured by a mortgage guaranteed or insured by the Federal Government.¹⁴ In 1961 the legislature enacted an omnibus law¹⁵ which forbids: (1) real estate agents to refuse to sell or rent or offer to sell or rent property to anyone because of race, creed, color, national origin, or ancestry; (2) owners of private property who, with certain limited exceptions, have for sale or rent multiple units of housing to decline to sell or rent to persons because of racial or religious reasons; and (3) mortgagers to deny loans for such reasons. President Kennedy's Executive Order 11063 reinforces this declared public policy of the State, although it is still too early to tell exactly how much additional effect the Federal order will have.

Federal and State cooperation has made more low income housing available to both whites and nonwhites. For a variety of reasons, these efforts have often made less of a contribution than they easily could have to the ultimate solution of minority group housing problems. Still, there is no denying the fact that even at their worst, such projects did at least provide more adequate shelter than nonwhites could have obtained on the open market.

On a private basis--and sometimes in combination with municipal officials--civic minded New Jersey citizens have founded and maintained human relations councils to promote mutual understanding among the races. In several instances, interracial housing projects have been constructed. Two such developments in Princeton earned the builder, Morris Milgram, a modest profit and the houses have appreciated significantly in value.¹⁶

4. The Tipping Point Problem

There is no panacea for the housing problems of nonwhites. Charles Silberman has claimed that "so long as the great majority of Negroes have slum incomes, they are going to live in slums."¹⁷ While this may be an overly pessimistic evaluation, it nevertheless contains a hard kernel of truth; the problem of housing is inextricably intertwined with the economic situation of nonwhites. Each to some extent causes and to a greater extent aggravates the other.

Moreover, any ameliorative proposals must be made in full recognition of the fact that nonwhites face a cruel dilemma in the housing field. The full solution to the problem is usually thought of as "Open Occupancy"--complete freedom to buy or rent according to ability to pay--in nonsegregated housing. However, open occupancy and nonsegregated housing may for sometime be largely incompatible. True, open occupancy would, of course, increase the availability of housing to nonwhites, but in the short run, and perhaps even in a relatively long run, complete open occupancy may also mean continued segregation in housing and thus in schools, with the concomitant of continued social isolation. There is no denying the fact that there is still widespread prejudice among whites against nonwhites in New Jersey. When compared with the situation in some parts of the Nation, this antipathy may appear to be very mild. Certainly the willingness of a predominantly white electorate to vote for public officials who enact and enforce civil rights statutes indicates that there is ground for hope that racial prejudice is being lessened. The line of tolerance, however, may be crossed when the nonwhite tries to move into a white block. "But not next door" still often marks the practical limit of toleration.

Many studies in other States have noted the same phenomenon. Each community, Morton Grodzins has written,¹⁸ has its "tipping point," the number of nonwhites it will tolerate. If one nonwhite family moves into a previously all-white neighborhood (whether the housing is public or private), the older residents become apprehensive. They fear economic loss and status loss and, with pictures in their heads of a crude stereotype of the nonwhite, fear crime and unacceptable conduct. As more nonwhites move in, these fears increase until the "tipping point" is reached; then most whites who are able to do so abandon the community and move to another part of the city or, if possible, to the suburbs. This tipping point varies from neighborhood to neighborhood, and it is positioned by many

factors, not the least of which are the financial resources of the old residents. In new housing developments, the tipping point may be as low as one nonwhite family. If that family is among the first to move in, whites may simply refuse to buy.

The tipping point problem will probably exist as long as racial prejudice exists on a large scale. Education and increased interracial communication may be the only long run solutions; but attention must be given to more immediate means of bettering the situation. First, this is manifestly a fertile field for the activity of human relations groups. The Trenton Human Relations Council, for example, tries to send representatives into changing neighborhoods to reassure old residents in order to prevent panic sales and keep the area from being resegregated. In the summer of 1961, Negro residents of Lakeview, Long Island, realizing that the tipping point in their community had been reached, picketed to urge other Negroes not to try to buy in the neighborhood. Typical signs read: "Negroes: Your purchase of a home in this neighborhood is your contribution to segregation." "Negroes: This is an integrated neighborhood. Help integrate Massapequa, Bellmore, and others."¹⁹

A second possibility is the "benign quota"--a planned effort to keep the nonwhite composition of a neighborhood below the tipping point by utilizing administrative direction, moral suasion, or simple refusal to sell or rent to more than a certain number of nonwhites. Because of its history as an instrument of discrimination, the term quota has an evil connotation. There is also a question of fairness. Nonwhites' need for housing may far exceed even the most benign of quotas. Moreover, there are legal problems. In private housing racially restrictive covenants, even though designed to promote integration rather than segregation, may well be unenforceable in the courts.²⁰ In New Jersey, in either public housing or in private developments of any size, anything but open occupancy on a first come, first served basis would violate State law²¹ and might also run counter to Executive Order 11063.

On the other hand, such benign quotas may be the only feasible way of getting some additional housing open to nonwhites on a non-segregated basis. As in Greek tragedy, what is here involved for the nonwhite is a clash of rights--his right to the standard of housing which he can afford pitted in conflict against his right to housing that does not subject him to social isolation. Such quotas do lend themselves to abuse, but whether a quota is benign or invidious is a question of motivation. It is possible for public authorities in most instances to determine whether the private developer is acting in good faith; and it is more than possible to have public officials who honestly believe in and earnestly practice

policies which will lead to greater racial equality. The director of the Newark Housing Authority explained the way his agency operates:²²

Integration is maintained through applicants' choice of project and through the use of an occupancy progress chart. This chart shows, for each floor in every project, the location of broken families, public welfare cases, as well as the progress of integration. By calling attention to occupancy trends which, if ignored, might lead to undesirable concentrations of problem families, the chart enables the authority to maintain an integrated policy of occupancy. . . . You play this by ear. You keep increasing the degree of integration as you can, as the applicants appear and as the resistance is broken down, as the educational media begins to take over. You do it when you can.

5. Housing Recommendations

The New Jersey Advisory Committee is charged with the duty of reporting to the U.S. Commission on Civil Rights regarding matters that fall within the latter's jurisdiction. That jurisdiction is necessarily Federal, and the Advisory Committee does not, therefore, have a mandate to make recommendations to State agencies. The Committee believes, however, that in a State like New Jersey, Federal and State efforts to cope with discrimination are almost inextricably intertwined. Furthermore, strong State action may obviate the necessity for further Federal action in certain areas. In the light of these considerations, the Advisory Committee addresses some of its recommendations to the State.

1. Benign Quotas.--To encourage interracial neighborhoods in new and existing private and public housing, the State should establish as a temporary expedient a procedure whereby either public officials or private owners, developers, or builders might set a maximum quota for nonwhites. There are many ways in which this policy might be carried out either by executive order or by a new statute. Since the word quota is so emotionally loaded, the most simple and informal method of accomplishment may be the only way that is also politically possible. Any such policy, of course, would have to be preceded by a change or clarification of Executive Order 11063.²³

2. Public Housing Projects.--Several recommendations might be made in the public housing field in addition to proposed authorization for establishment of benign quotas discussed in the previous section. First, there is a need for middle income housing--priced in the \$20 to \$30 a room range--for both whites and nonwhites in metropolitan areas. As long as owners and real estate agents engage on a large scale in discriminatory practices, the nonwhite need for such housing will remain acute. Second, in planning the location of new low or middle income housing, officials should take great care to insure that they are not simply extending or creating a ghetto. In some localities where land is too scarce to allow ideal placement of large developments, smaller projects to accommodate ten or fifteen families might be constructed. Even if for reasons beyond the control of housing authorities these smaller projects attracted only nonwhites, at least school and recreational segregation would not necessarily result if the projects were placed well outside existing areas that are totally

nonwhite. Third, officials should periodically re-examine the income ceilings they have placed on public developments to make sure that these ceilings have not become unrealistically low.

The problem of the older public projects in black belts, now often only a tiny step above the slums they were supposed to replace, dry up, or prevent, defies solution short of wholesale renovation accompanied by renewal of the surrounding area.

3. Urban Renewal and Interstate Highway Programs.--Both Federal and State officials should enforce more strictly the requirements that sound housing in the same general cost range and in the same community be made available to current residents of an area about to be "renewed," before any demolition and displacement may begin. Current regulations may be adequate but they are not strictly enforced. In addition to strict enforcement, two policy changes might be made. First, citizen groups from within the affected area should be consulted during the period when renewal plans are still in the fluid stage rather than merely after they have been pretty well formulated. Although planning of a complex project like urban renewal requires the work of experts, the man who has to live in a house may be a better judge of its utility than the architect who designed it. Second, all residents in an area about to be renovated should be carefully informed by public officials of their rights, of places where further information may be obtained and where complaints may be lodged.

Since interstate highway programs present similar problems of displacement as urban renewal, either or both the Federal and State Governments should establish and rigidly enforce the same relocation provisions for each undertaking. In light of the fact that governmental supervision of highway programs is probably even closer than of urban renewal, enforcement should not create insuperable problems of administration.

4. The New Jersey Civil Rights Division.--State law currently subjects the Civil Rights Division to two restrictions which drastically curtail its effectiveness. First, its staff is far too small. The Division has won some notable victories, such as the recent court order that Levittown has to admit nonwhites; but with a staff of only 10 or 12 field representatives and investigators in a State of over 6 million people, the Division cannot even hope to pursue consistently a policy of strict law enforcement. Thus the most pressing need in the Division is for an increased staff, a need which the Governor has recognized in his current budget requests.

Second, the Division interprets its authorizing statutes as denying it the role of a self-starter. The Division believes that it may not begin an action unless a complaint is brought before it, either by an aggrieved private citizen or by the State Attorney General, Commissioner of Labor, or Commissioner of Education. The Division should be able to bring legal action on its own motion, to substitute systematic, planned enforcement of the law for the haphazard method of relying on complaints.

Third, the Division badly needs authority to seek a temporary injunction to maintain the status quo during its period of investigation. All too frequently by the time the Division has made a thorough investigation of a complaint, the property in question has already been sold or rented and the nonwhite who brought the complaint is left with a hollow victory.

Fourth, as a law enforcement agency, the Division would better fit under the Attorney General's office where its operations could be more readily coordinated with those of other enforcement officials than in the Department of Education. Legislation to this effect has been pending in the State legislature for several years.

5. The New Jersey Real Estate Commission.--This State agency is entrusted with the enforcement of title 45 of the New Jersey Code, which contains the statutes regulating realtors. At least in recent months the Commission has been cooperating with the Civil Rights Division, and has just imposed a fine of \$100 on a Monmouth County real estate broker on the basis of evidence submitted by the Division. One small fine will not cause general compliance with the law, but a persistent policy of rigid enforcement might. Since it controls the licenses of realtors, this agency is in an excellent position to influence their behavior. Moreover, the Real Estate Commission, unlike the Civil Rights Division, may initiate investigations and legal actions on its own motion.

It would appear from the wording of title 45 and from the fine imposed on the Monmouth County broker that the Commission could logically view violations of existing housing statutes as *prima facie* evidence that a broker was unfit to hold a state license. Should such a policy be clearly spelled out in Commission regulations and rigorously enforced by suspensions and revocations of licenses, the housing situation for minority groups would be materially improved. Such an unequivocal policy would also take some of the onus for obeying the law off the honest broker. He could point to these regulations and the basic housing statutes and explain to a prejudiced client why property has to be handled in a nondiscriminatory manner.

6. Private Action.--State officials have complained--and evidence obtained at the two open meetings of the New Jersey Advisory Committee to the U.S. Commission on Civil Rights has substantiated their complaint--that nonwhite groups are not taking full advantage of their existing legal rights. Both Civil Rights Division and Real Estate Commission officials report difficulty in securing affidavits from nonwhites who have been subjected to illegal discrimination. Testimony by a Negro realtor in the Camden sessions of the Advisory Committee indicated that after having obtained a court decree breaking down one aspect of discrimination in housing, Negroes made no effort to ask for a contempt citation when the developer refused to obey the order. Sometimes nonwhites have been unaware of their rights under the law; sometimes they have distrusted public officials; sometimes they have feared embarrassment and have been understandably reluctant to assert their legal rights and move into a hostile neighborhood.

The leadership of nonwhite groups, such as the Urban League and the National Association for the Advancement of Colored People, is in a unique position to mobilize members to insist on being accorded the equality of opportunity guaranteed by law. These same groups can also do much to ease community tensions. One small service which they might perform--as indeed they do perform in many communities--is instruction in small informal classes of newly arrived or culturally deprived nonwhites in the habits and mores of northern urban societies. Attention to such apparently trivial items as proper garbage disposal and care and upkeep of homes and furniture can help assuage white fears of a deteriorating neighborhood.

Leaders of nonwhite groups might encourage their members, especially those with middle and upper incomes, to invest in savings and loan and other mortgage institutions, to attend stockholders' meetings, and insist that not only the letter but the spirit of the law be followed. More affluent nonwhites might cooperate with existing financial institutions to organize a small mortgage establishment to provide loans to nonwhites who, though unable to meet prevailing credit standards, may nevertheless be good risks because of future potential. In New York City, for example, a number of banks pooled a considerable sum of money to be loaned on substandard properties in Harlem.

One of the most important functions which both white and nonwhite civic groups could perform would be the establishment of a statewide central clearing house which would list properties available for rental or purchase on a nondiscriminatory basis. On a local level, fair housing commissions in Bergen and Essex Counties now maintain listings of owners willing to sell regardless of race. With the continued growth of a nonwhite middle and professional class, such a listing would be valuable to industry as well as to individual citizens.

NOTES: PART 1 - HOUSING

1. As mentioned earlier, inadequate and segregated housing is also one of the causes of inadequate income and education, one arc of a vicious circle.
2. See 4, 1961 U.S. Commission on Civil Rights Report 23. It is interesting that prior to World War II segregation in housing was more common in the North than in the South. Before that time there were a number of all-Negro areas in most southern towns, but there were also a significant number of racially mixed neighborhoods--such mixed neighborhoods were convenient at a time when most white families had a Negro cook and/or maid.
3. Hearings before the U.S. Commission on Civil Rights, September 11-12, 1962 (hereinafter referred to as the Newark Hearings) at 180.
4. For evidence to the contrary see Luigi Laurenti, Property Values and Race (Berkeley: University of California Press, 1960). Specific testimony that Negroes do not "automatically" lower property values was given at the U.S. Commission on Civil Rights hearings in Newark, September 12, 1962.
5. Newark Hearings 169-70.
6. Id. at 211.
7. Id. at 212.
8. As to whether or not such subterfuges violate the State's civil rights statutes, the secretary-director of the New Jersey Real Estate Commission (the State agency empowered to license and supervise the activities of real estate brokers) has offered the opinion that such conduct does violate the real estate code. See especially 45 N.J.S.A. 15-17.
9. Newark Hearings 108.
10. In the last few years these ceilings have been raised to a reasonable level in many developments, but the damage of segregation has already been done.
11. Newark Hearings 115-16.
12. Id. at 181.

13. Id. at 167.
14. See 18 N.J.S.A., ch. 25, especially 25-5(k).
15. 18 N.J.S.A. 25-5(1)-(n); 18 N.J.S.A. 25-12.
16. There have been a large number of such projects across the country. See Eunice and George Grier, Privately Developed Inter-Racial Housing: An Analysis of Experience (1960).
17. "The City and the Negro," Fortune, March 1962.
18. The Metropolitan Area As A Racial Problem (1958).
19. N.Y. Times, June 20, 1961, p. 35, col. 1.
20. Cf. Shelley v. Kraemer, 334 U.S. 1 (1948); Barrows v. Jackson, 346 U.S. 249 (1953). The unenforceability rule of Shelley and Barrows has been applied by a Federal district court in Illinois to include covenants intended to promote as well as prevent integrated housing. Progress Development Corp. v. Mitchell, 182 F. Supp. 681 (1960). See also the California decision in Banks v. Housing Authority, 260 P. 2d 668 (Dist. Ct. App., 1953), cert. denied, 347 U.S. 974 (1954). There are, however, very significant practical and legal differences between the two devices. For a development of this argument, see Abrams, Forbidden Neighbors: A Study of Prejudice in Housing (1955), especially chs. 22, 24; and Note, "Benign Quotas: A Plan for Integrated Private Housing," 70 Yale L.J. 126 (1960).
21. Especially 18 N.J.S.A. 25-4, 25-9-1, 25-12.
22. Newark Hearings 107-08.
23. One feasible approach, though it would require new State legislation, might be a consent agreement somewhat analogous to that which the Anti-Trust Division of the Justice Department arranges with business firms allegedly violating the anti-trust laws. In an exchange of letters between the owner of the property involved (or his agent) and the Civil Rights Division, there could be spelled out an agreement previously worked out. This arrangement would set minimum and maximum limits within which an apartment building or set of private homes would be open to nonwhites. These agreements would be filed with the superior court in the county in which the

housing was located and could be treated as approved by the court. The agreement would run for a limited number of years, and when renewal was requested the burden of proof to show that the quota was still fair and was in fact being observed would rest on the owner. In exchange for good faith compliance with the agreement, the State would promise not to prosecute for violation of open occupancy laws. Failure on the part of the owner to maintain the quota would be prima facie evidence of violation of the consent agreement and would be punishable as contempt of court.

PART II. EMPLOYMENT OPPORTUNITIES

1. Background

Under New Jersey law it is an unlawful employment practice or unlawful discrimination:

For an employer, because of the race, creed, color, national origin or ancestry, of an individual, or because of the liability for service in the armed forces of the United States, of any individual, to refuse to hire or employ or to bar or discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment; however, it shall not be an unlawful employment practice to refuse to accept for employment an applicant who has received a notice of induction or orders to report for active duty in the armed forces.¹

If, upon all evidence at the hearings the commissioner shall find that the respondent has engaged in any unlawful employment practice or unlawful discrimination as defined in this act, the commissioner shall state his findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice or unlawful discrimination and to take such affirmative action, including, but not limited to hiring, reinstatement or upgrading employees, with or without back pay, or restoration to membership in any respondent labor organization, or extending full and equal accommodations, advantages, facilities, and privileges to all persons, as, in the judgment of the commissioner, will effectuate the purpose of this act, and including a requirement for report on the manner of compliance.²

In spite of the strong statutory prohibitive, the general employment situation for Negroes in New Jersey is far from satisfactory. This section of the Advisory Committee's report examines three major areas of employment, each one of which was studied by a Subcommittee on Employment at the suggestion of participants in the Committee's public meetings in Camden and Trenton. The three areas are: banking and insurance, industrial and related employment, and construction with public funds. The apprenticeship training program, the gateway

to a great deal of employment, is discussed in a subsequent part. In addition, since education and motivation are so often suggested as the root cause of some of the employment problems facing Negroes, attention was given by the Subcommittee to guidance counseling programs at the State and local levels.

2. Banking and Insurance

The proportion of Negroes employed in banking and insurance in the Newark area is small: only 3 to 4 percent of total employees.³ Although this pattern of Negro employment in Newark corresponds to figures given in testimony to the United States Commission on Civil Rights, there is reason to believe that this is not a statewide proportion. The Subcommittee found that while two Newark companies showed these percentages, one company in Trenton employed no Negroes at all. Furthermore, Adolf Holmes, industrial relations secretary of the Urban League of Essex County, testified that:⁴

In commercial employment, with specific reference to the banking industry, of the approximately 4,000 employees in the Essex County banks, only 150 are Negroes, and all of these, except 3 or so who are tellers, the others either hold custodial, messenger, or menial task jobs. Seven of these banks do not employ any Negroes at all. The Urban League has on more than one occasion visited some of these banks on the subject of minority employment with negative results.

Dr. U. S. Wiggins, president of the Camden Branch, NAACP, also stated at the Advisory Committee's Camden meeting:⁵

In regard to employment, we have the same picture here we have in most other sections in the country. We have Negroes working, many of them, in R.C.A., in New York Shipyards, in Campbell Soup, in the big industries. Now, in the banks, they are practically non-existent. We have maybe one in two or three in the banks here.

In addition to the low rate of employment, promotion for Negroes in both these financial fields extends only to the middle range--for example, to grade 7 in a scale of 12 grades.

The reasons given by personnel managers for the low percentage of Negroes employed are as follows: (1) There are few Negro applicants; (2) recruiting is done through those presently employed (predominantly non-Negro), and from among their families and friends; (3) Negro applicants score below whites on the "Short Employment Test";⁶ (4) Negroes lack the necessary education; and (5) insufficient guidance counseling results in lack of motivation among Negroes, and a high rate of school dropouts.

The testimony of two personnel managers in the Newark hearings revealed an interesting difference in their employment practices. The percentage of Negroes employed was the same in both cases, and in each company, no Negro had reached further than the middle category of employment. But the less sympathetic personnel manager had placed only two Negroes in the middle category and all the others in subsidiary positions such as janitors, drivers or messengers, whereas in the other firm, all Negro employees ranged from clerk to the middle of the employment scale.

Both banking and insurance employment require at least a high school diploma and for the executive positions, which at present are not filled by Negroes, a college education. All personnel managers interviewed, both in Newark and Trenton, however, spoke of a shortage of male Negro high school graduates as compared to female Negro graduates. There is general opinion, moreover, that the relatively few Negro boys who graduate from high school have already overcome so many obstacles that they are more likely to go on to college for further education--and thus have better job qualifications--than to enter middle category positions with banking or insurance firms. According to the testimony given by Clement Cambon, Jr., vice president in charge of personnel, Fidelity Union Trust Company, at the Newark hearings, an accurate count of the number of Negroes cannot be given, because:⁷

No records are kept. From observations, however, I can say that very few apply. The fact that few apply, coupled with the difficulty of finding qualified people for the job openings, accounts for the lack of Negroes in many job classifications.

Mr. Cambon went on to say that both lack of applicants and failure to qualify contributed to this situation. He admitted that positions with his company ". . . do require some background, training, and experience in other jobs. There are relatively few that we call starting or beginning jobs where we take someone totally green into the bank."⁸ He thought that other banks with more Negro employees than his were not quite as insistent that applicants be qualified.

In refutation of Mr. Cambon's statement, Adolf Holmes of the Essex County Urban League testified that:⁹

A survey of our records over the past 5 years, that is, 1957 through 1961, reveals that approximately 3,000 persons have registered for assistance with us. Of this number, over 2,000 are high school graduates and

have completed college, and some have gone on to post-graduate work. Fifteen hundred of the persons registered have resided in the Newark area for over 10 years. These persons represent skills of varying degrees, ranging from the skilled to the professional occupations. The pertinence of this information . . . is to offset some testimony that there is a shortage of skilled nonwhite workers in the local area.

Although there may not be unanimity on the availability of qualified Negroes for employment in banking or insurance, there is no doubt about the scarcity of their numbers presently working in this field. The picture in industrial employment, while slightly different, is not much better.

3. Industrial and Related Employment

Industrial employment was not separately studied by the Subcommittee but a glimpse of the situation was given by Charles Ashley, field representative, Division on Civil Rights, N. J. Department of Education, at the Camden meeting:¹⁰

In the employment of minority groups in and around Camden, the picture runs the gamut from quite favorable to quite unfavorable. This picture in our judgment embraces not only employers but labor unions. The industrial concerns, by and large, present an image of fair employment practices. With notable exceptions such as in some of the smaller plants, the industrial concerns and industrial unions adhere to fair employment practices among the production workers. With respect to positions on the supervisory level, however, this picture is not so favorable and the reasons for the absence of Negro supervisory personnel seem to relate strongly toward race. Nevertheless, in respect to the employment of Negroes in industrial concerns the scene generally is good and promises to improve with the leadership of management and labor officials.

Again, in Camden, where nonwhites are roughly 25 percent of the population, C. W. Myers, industrial relations officer for the New York Shipbuilding Corporation, stated that the percentage of nonwhites employed by the company "would be close to 25 percent, if not more." He added ". . . that better than 90 percent of the employees are represented by a union."

Further information was provided by Abe Morganstern, research director for District 4 of the International Union of Electrical Workers in the Newark area, in a letter to the chairman of the Subcommittee on Employment of the New Jersey Advisory Committee:

District 4, I.U.E., represents some 80,000 workers in several hundred shops in the New York-New Jersey Metropolitan Area. Together with factory workers, we represent Engineers, Technicians, Office Workers, and Business Machine Service and Repairmen. From the inception of the I.U.E., we have had No Discrimination clauses in our collective bargaining agreements. This is a firm policy of our union and it has been accepted by our employers.

Of our 78 locals; the following have a membership 50 percent or more of whom are Negro and/or Puerto Rican workers:

Local 407	Local 424	Local 480
Local 408	Local 431	Local 485
Local 413	Local 438	Local 493
Local 415	Local 439	
Local 422	Local 446	

The following locals have a membership 25 to 45 percent of whose membership are Negro and/or Puerto Rican workers:

Local 401	Local 441	Local 475
Local 405	Local 467	Local 498

In addition, at least two locals have a Negro and/or Puerto Rican membership of close to 20 percent.

It would be a fair estimate to say that over 20,000--perhaps as many as 25,000--of our 80,000 members are either Negro or Puerto Rican.

As of now, the presidents of Locals 413, 415, 431 and 480 are Negro, while the presidents of Local 407 and Local 446 are Puerto Rican. The vice presidents of at least four of our locals are Negroes. Most of our locals have other Negroes and Puerto Rican officers or members of their executive committees.

In contrast to the I.U.E.'s story of successful integration was the testimony of Boyd Jackson, steward of Teamsters Union Local 676, at the Camden meeting. Mr. Jackson said that while the president of his local was sympathetic to the job aspirations of the Negro members (he estimated approximately 2,000 of a total of 7,000 teamsters in South Jersey to be Negro), union practices hardly reflected equality of opportunity. Jackson said he had been trying to persuade the president, John Greeley, to place some Negro girls in the union's main office in Camden, to hire a Negro business agent for the office (there is one Negro business agent in one of the other South Jersey offices), and to get some Negro delegates for the union. It was hardly appropriate for the main office to have an all-white staff, Jackson felt. When he was asked why there had not been a complaint about the situation in the union offices to the Division on Civil Rights, Jackson said an investigation had recently been initiated.

Mr. Jackson himself is employed by Moore's Trucking as a truck driver, a company to which he attributed fair hiring practices.

With other companies, things are not as good. According to Mr. Jackson, the Negro drivers can generally be found on:¹¹

What we call our bad jobs--I mean you work here so long, then they lay you off . . . some of the companies have quite a few working, but I mean when you get to these good jobs, they can't get any. . . . You see they put the men's names down on a list--a company can request for a man he wants and they can use them, but when a company do not request for a man, he's supposed to send a man as he comes up, but see sometimes--a company will call up and say, don't send me a Negro driver. The local president has sent guys on jobs, but . . . the company refuses them because they are Negroes and they send them back to the Union Hall. But the president has made them give a day's pay, which I told him he should send the men and send them back again instead of sending a white guy on the job, or either put a picket around that place. . . .

Jackson said a number of the local trucking companies had denied opportunities to Negro drivers.¹²

R.C.A. to me is not too good. We have one Negro driver--been there for nine years. . . . That's one of the best trucking jobs in Camden or anywhere in New Jersey. A lot of guys have been there, but couldn't get jobs. We have Hess Oil Company that runs out of Pennsauken--they have all these gas stations just put up--a Negro hasn't got a job there driving. And there's quite a few other trucking companies. There's Moon's Carriers--they don't have no Negro drivers. The only Negroes we have in there is Negroes that drive their own equipment and drive their own--we call that the gypsy hauler. . . . but for employees in the company we don't have any. . . . Moore's was the only one who would supply Negro drivers.

Jackson said there are no Negroes driving milk trucks, bread trucks, soft drink or beer trucks, or on any jobs involving customer contact. Drivers who are sent out for a job and refused because of race, may simply keep quiet about it; some may tell Jackson. Jackson's only recourse has been to his local union president. He has not taken these matters to the Civil Rights Division.

In general, therefore, racial discrimination does not present a problem in industrial employment. There are, however, notable exceptions, among them Teamsters Union Local 676 in Camden. The extent of discrimination in that local's practices and policies more clearly parallels the grave situation found by the Advisory Committee to exist in the area of public construction.

4. Construction with Public Funds

The construction of all public buildings in New Jersey is covered by very specific regulations concerning the number of contractors, materials, etc. There is also a clause to the effect that all contracts "for or on behalf of the State or any county or municipality . . . for the construction, alteration or repair of any public building or public work . . . shall contain provisions by which the contractor agrees that: 'In the hiring . . . for the performance of work under this contract or any subcontract hereunder, . . . no contractor, nor any person acting on behalf of such contractor or subcontractor, shall by reason of race, creed, color, national origin, or ancestry, discriminate against any . . . who is qualified and available to perform the work to which the employment relates. . . . No contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee . . . the performance of work under this contract . . . on account of race, creed, color, national origin, or ancestry.'"

This has been the law for many years. Nevertheless, it is true that building after building has been constructed in New Jersey, sometimes with Federal funds as well as State, county or municipal funds, with not one Negro employed above the laborer level. In fact, in many cases, all the common laborers are Negroes and all the skilled workmen are white.

According to Charles Ashley, field representative, Division on Civil Rights, New Jersey Department of Education:¹³

The employment situation with respect to minority groups in the construction field, with control exerted by the craft unions, is almost completely negative. In all fairness this is a situation peculiar not only to the Camden area but throughout the entire state. Nevertheless, in Camden and surrounding areas, with which we are here concerned, the situation is flagrantly oppressive. There are, in fact, no or very, very few union affiliated Negro bricklayers, plumbers, carpenters, iron workers, pipefitters, electricians, cement finishers, or plasterers, to mention some of the crafts.

There are some Negro nonunion workers hired as carpenters, bricklayers and plumbers--mainly concentrated in the construction of housing developments.

In contrast the employment of Negro workers in the construction field is almost totally as laborers. Even further there are practically no white laborers employed in the construction.

Many of the nonunion contractors do hire Negro labor, but when one of these is a successful bidder, the rest of the unions involved in the construction walk off the job. When prisons and court houses and public housing projects have to be built, this can present an almost insurmountable difficulty.

Unionization of the construction field is quite extensive. In testimony before the Commission, Louis Vehling, business manager, Local 52, International Brotherhood of Electrical Workers, indicated the degree of this unionization:¹⁴

The area over which Local 52 has jurisdiction is Essex County, N. J. The extent of unionization varies with the nature of the work. Thus, as to small house construction and repair, this work is almost 100 percent nonunion in Essex County.

As to new construction of industrial and commercial nature, the industry is probably 80 percent unionized. As to alterations and repairs of industrial and commercial buildings, I would estimate that this work is between 40 and 50 percent unionized.

William F. Confroy, business representative, Plumbers Union Local 24 also testified to the strong position of unions in the construction field:¹⁵

We can speak only for our own area, and then only in round figures. We have jurisdiction over Essex County, except for the Oranges, Livingston, and Maplewood. In this area, to the best of my knowledge, we do all of the new construction work in industrial and commercial buildings, but practically none of the jobbing work. It is impossible for me to estimate the number of non-union plumbers in this area.

Charles Sullivan, director of the State Office of Purchasing and Property, who was interviewed by two members of the Subcommittee, said that the overwhelming proportion of all State construction in New Jersey was done by union labor.

The testimony at the Newark hearings showed that in the building trades some unions have few, if any, Negro members. For example, Mr. Vehling of the International Brotherhood of Electrical Workers, stated before the Commission in Newark:¹⁶

Certainly we don't practice discrimination. We presently have one Negro member. . . . Our membership at the present time, I believe is 759.

Romeo Jensen, business representative of Ironworkers Local 11, which has 385 members, testified along similar lines:¹⁷

We have no Negroes in our union, and the reason is nobody has applied, to my knowledge. I don't believe in any discrimination of any sort. I have a job to fulfill. There are more men than jobs.

Plumbers Union Local 24, has no Negroes among its 475 to 500 members. According to Confroy, "The reason for this is we have never had any applicants."¹⁸

The question of who does the hiring and who, therefore, is responsible for the absence of Negro employees is the subject of some disagreement. Field representative Ashley of the Division on Civil Rights stated at the Camden meeting:¹⁹

When one realizes that the craft unions function almost entirely as the only labor source for contractors, the responsibility rests squarely upon their adhered policy of de facto discrimination against Negro applicants for membership.

Although the Commission received slightly conflicting testimony regarding the relative responsibility of contractors and unions, there appears to be little doubt that unions have the sole power of hiring where hiring hall agreements exist.

During the Newark hearing, Louis Vehling of the IBEW and William F. Confroy of the Plumbers Union were asked to comment on the contractors' contention that the unions are fully responsible for hiring practices under all hiring hall agreements. Vehling stated:²⁰

I can only speak for my own union. We certainly could not blame the employer for a condition that exists as it is today. Certainly it is not the employer. He calls for a certain number of men. They go through the hiring hall. He has a right to reject them or to

give them a trial and fire them, no matter whether they're Negroes or whites, but certainly in my case the employer cannot be blamed for this condition as it exists today.

Confroy added:²¹

Well, speaking for Local 24, we have no hiring hall. We have more of a referral hall. If an employer wants to employ five men and he knows five men are out of work, he can employ them the next morning because all they do is report to our local that they have gone to work for this employer.

We do not have a hiring hall. They do not have to come to the hall. They are privileged to go out and get their own jobs at any time, and we have no hiring hall.

The selection process is a principle hurdle for the Negro. According to Vehling: "These matters are not within my authority. My authority is to place applicants to work. My executive board has full authority as to who is to be taken into the local union."²²

Jensen said: "We have an executive board that hears all these applicants, which sic have to be sponsored by two persons. I haven't the right to sponsor anybody."²³

Confroy added: "It is up to the local union members, after a boy applies for his job, for membership."²⁴

Questioning of Vehling, Jensen, and Confroy at Newark, revealed further that the unions limit their memberships to what they consider to be the reasonable requirements of the trade, and refuse to take in more members than can conveniently be occupied. Mr. Confroy said the plumbers do this through control of the size of the apprenticeship program. "It all depends on the demand for the men in the trade."²⁵

The execution of such a policy raises doubts as to the effectiveness of the clauses barring racial discrimination in the constitutions of these unions.

The following account related in confidence to a Committee member illustrates the extent to which such a clause may be controverted:

In one city, in December 1962, three Negro workmen were employed by agreement in the construction of a federally supported project, after considerable negotiation with one of the unions

concerned. These three men are now enjoying for the first time steady employment at the high rate of over \$5 an hour. They have been employed for many months, but always on a temporary basis, with periodic layoffs to ensure their temporary status. They are paying 10 percent of their gross wages to the union and are eager to join. They have been denied union admission, however, on the grounds that, although obviously qualified to do the work, they have not gone through the apprentice training course. When they asked union officials whether three younger Negroes, who had done preliminary work in the trade, might enter the apprentice training program, they were told that no apprentices were being taken on.

The end of discrimination in public construction alone would widen the employment horizon for thousands of Negroes. It would provide the incentive for young Negroes still in school, still facing their training. Four ways have been suggested to achieve equal employment in this field:

1. Allowing union membership to anyone who can pass a qualifying examination administered by the State, making admission by election unlawful when that procedure can be used to bar a man from making a livelihood. Similar proposals have been made as far as Realtor Boards are concerned and Mr. Thomas Dunn, president, AFL-CIO, Mercer County, said at the Trenton meeting that unionism would not, in his opinion, be harmed if objective examinations were the door to membership.

2. Including in all public contracts a clause providing for nondiscriminatory hiring of at least one apprentice or trainee for every 5 journeymen employed.

3. William F. Confroy, of the Plumbers Union, Local 24, made the following suggestion in his testimony to the Federal Commission Hearings in Newark:²⁶

. . . It has been a long standing policy of our union that the plumbing contractors have the complete freedom to hire or discharge our member-journeymen as they may desire without the approval of the union. Also, all journeymen have complete freedom to seek jobs from any employer. We do not run a hiring hall. This freedom could well be extended to the hiring of apprentices as well. Thus, it would be in the exclusive province of the employer to start any and all apprentices, subject only to the requirement that all apprentices must attend school at the Essex County Vocational School taking the necessary course in plumbing work. If they should prove acceptable at the end of the 4- or 5-month probationary

period, as reported by the teachers and the employers, the union would fully cooperate by issuing them their UA books so that they would be able to secure employment with other contractors in the event they may be laid off at any time.

We recognize the need of securing placement of Negroes in skilled trades and will be glad to cooperate to the full extent of our ability.

4. Paul J. Brienza, managing director, Building Contractors' Association of New Jersey, had another suggestion:²⁷

. . . The association is most willing to cooperate with the factfinding duties of the Civil Rights Commission and will support any guidelines formulated by statute or otherwise to treat any problem found necessary of correction in our industry.

It is our considered judgment that a course delineated by Government, based upon a sound consideration of all the facts involved, is the only way to meet any improper employment practices, if found to exist. Obviously, if this be the case, any procedures or statutory provisions enacted can only meet with success if properly enforced.

Thomas Dunn, president of AFL-CIO, Mercer County, felt that it would be helpful to have more directives from international unions to the district locals.

GUIDANCE COUNSELING

The major problem regarding Negro employment is lack of motivation. Until this problem is tackled vigorously and frankly, it will not disappear. Perhaps one reason that motivation among Negroes is low is that the parents of Negro children have been discriminated against with the result that these children never have an example immediately before them to encourage training for such employment. Furthermore, the school dropout rate, particularly in high schools is high.²⁸ This means that the future unemployment of the Negro child in our technical economy is almost assured. Also, vocational schools have been stigmatized in the eyes of Negro parents. Thus the need for some kind of vocational guidance appears paramount.

The only approach, however, to the problem of incentive is through the guidance counseling program, since public authorities have difficulty entering the home environment except through welfare measures.²⁹ In New Jersey, there are about 1,300 guidance counselors, including part- as well as full-time counselors.³⁰

The New Jersey State Department of Education established the criteria which qualify guidance counselors for certification. But, once a guidance counselor is certified, there is no more direction from the Department, even though the State pays for part of his salary. Although the importance of job placement is emphasized during the training of a guidance counselor, neither the State Department of Labor and Industry nor the Division on Civil Rights has issued instructions to guidance counselors concerning employment difficulties encountered by Negroes and other minority groups. In many schools, there are too few counselors to permit the kind of individual attention, which, if given through the last 6 years of schooling, might provide some of the motivation and quasi-parental advice in which the Negro child is often lacking. Furthermore, they rarely expend effort to secure for Negroes opportunities which might be limited by union or employer discrimination. Finally, the absence of any statewide program for guidance counseling means that in some places there is no program which goes much further than an effort to find jobs for those in the graduating high school senior class. Guidance is given to those who, by staying in school, have demonstrated that they are not as desperately in need of help as the students who fail to finish the course. If the Negro in New Jersey is to have an equal opportunity with other citizens, a concerted effort in both education and guidance must be made to put each Negro child on an equal footing with other children. In short, rising welfare costs and the tragic statistics of crime and recidivism necessitate an unprecedented endeavor to correct the deteriorating situation.

The role of the guidance counselor is being studied both at the State and national level, and the Department of Education is analyzing job placement procedures and the liaison between guidance counselors and the personnel recruiters of private industry. These studies should produce some clarification of the subject, but unless New Jersey revises its law to allow including notations of race on public records, it is hard to see how they can be made directly useful to the Negro community.

THE LEAGUERS

The program for youth operated by The Leaguers seems in many ways the most hopeful development in the whole State. The Leaguers are a nonprofit organization organized and staffed by Negroes working primarily with Negro children of junior high school and high school age in Newark. The honorary chairman is Dr. Mason W. Gross, president of Rutgers, the State University; the boards of honorary co-chairman and vice chairmen are composed of both white and Negro members. The founder and leader is Mrs. Mary Burch.

The Leaguers are working with a cross section of Negro youngsters--some from good homes who wish to improve their opportunities, some from underprivileged homes, some who are predelinquent or delinquent, and some who have recently arrived from the South and are almost illiterate. In the 13 years since its founding, 4,500 have gone through The Leaguers' program, and 125 are currently enrolled. In order to join, each child must give 1 hour of work a week to some philanthropic, civic, or religious organization, must be interested in further training and must stay in school.

The Leaguers have worked hard to encourage children with academic and professional ambitions. Scholarships are obtained for children whose parents cannot afford tuition, but they have found that lack of motivation more than any other factor is holding back the Negro.

The Leaguers have no paid staff. This is one of the keys to the success of the organization. The children are told that they must volunteer their work and, in turn, they are taught and guided by Negroes who have volunteered to help them. They see competent and highly respected Negroes who have made a successful life in the community, which seems to give them a sense of pride and identification.

BLACK MUSLIMS

Against the hopeful and constructive picture of The Leaguers' program, there is an organization known as the Black Muslims, which is a product--and in some ways, a measure--of the seriousness of the present racial situation in New Jersey. Dr. Henri M. Yaker, a former director of psychology, now psychological consultant, in the New Jersey State Prison, says in regard to the Muslim movement, that:

The stage of obscure Negro cultism has passed and that the movement is currently fanning itself out in new aggressive forms under a variety of able and militant lieutenants. Dedicated to the concept of black supremacy as an immediate solution to the American Negroes' problem of dispossession and discrimination, it advocates an aggressive racist policy.³¹

Dr. Yaker warns that "the movement at present has not shown its hand as an American Mau Mau terrorist group, but this possibility cannot be ruled out." At present, in New Jersey, at least, the Muslims stress group discipline, but as Dr. Yaker has said, a change of leadership might turn the membership into "a Frankenstein monster." Not all authorities take such a serious view of the Muslim movement, but all agree that the forces it draws upon are the anguish and the impatience of the Negro community.

5. Conclusions

The Negro in New Jersey is caught in a combination of circumstances--stemming both from past and present conditions--from which it is difficult to escape. Although some avenues of employment have opened for him in the last 10 years, many are still closed and the uncertainty in his own mind acts to weaken his ambition. Many young Negroes come from homes that have never been based on a steady, well-paid job. Although some Negroes have risen completely above these conditions by the force of their own talent and energy, and although there is a large and increasing group of well-established professional men and women, it is nevertheless true that for the great numbers of Negroes the situation is so deperate that a concerted effort on the part of society is required in order to place the Negro on a footing of equal opportunity.

There are many hopeful developments which demonstrate that such an effort could bring about excellent results. There are many unions, for example, which have proved by their enlightened and nondiscriminatory policies that Negroes can work well, side by side with other Americans. There are many employers who are obviously trying to be more than passive. There are in some cities comprehensive guidance counseling programs which, if strictly followed, would certainly produce results. There is, in addition, "The Leaguers" program, a soundly established self-help program, which may well prove to be one of the most important contributions to the solution of the problem. Also, the rising standard of public opinion concerning fair employment; the rising income level, which will increase the economic force of the Negro community; and the excellent experience that most businesses have had with Negro employees should all combine to bring about a better employment climate for Negroes.

It is nevertheless true that too many employers are merely passive, willing to accept the qualified Negro, but not to seek him out; willing to continue to hire a small proportion of Negroes for positions which are established as "suitable" for Negroes, but not deliberately to seek out the Negro who might be able to fill a position of higher responsibility, salary, and prestige. And undoubtedly there are too many employers who deliberately exclude Negroes.

The same is true of unions. Too many unions, particularly those in the highly skilled, highly paid trades, regard their respective trades as the personal property of the existing membership, a monopoly over which they have absolute control. Backed by

the power of the Federal and State laws which guarantee their position some of these unions exclude all Negroes, by denying admission to the union, no matter how qualified the applicant, on the grounds that entrance can only be through the apprentice training program, and then denying access to the apprentice training program on the grounds that the charter is closed.

The combination of the passive employer and the union jealously guarding its privileges is a deadly one as far as the Negro is concerned. Some employers have a relationship with their unions that they describe as a "happy family." The fact that the unions do not allow a Negro to join does not trouble them. They would not want to jeopardize the happy relationship to help any specific Negro or the Negro employment problem in general. Other employers are in a state of suspended war with their unions and would not consider risking any further trouble by intervening on the Negroes' behalf. The Taft-Hartley law, with its provision that a union shop employer does the hiring and that the employee must join the union after 30 days, would seem to put the responsibility for the exclusion of Negroes clearly on the shoulders of the employer, but the fact is that in many cases, this law does not apply or is not observed. Many employers and many unions work together the year round, year after year, with no Negroes employed except in the lowest-paid and most menial positions.

When this is the situation in the expenditure of private funds, it is bad enough, but when this same condition exists in the expenditure of public funds--public monies to which the poorest Negro has contributed his share in taxes--then the injustice reaches intolerable proportions. Too often, government officials ignore their responsibility to see that public monies are spent with some regard for the fair employment of all citizens. Frequently, when the exclusion of Negroes is brought to the attention of public officials, the answer is that laws against discrimination exist, and that anyone whose rights have been transgressed can sue for redress. But this places the entire burden of law enforcement upon those least able to bear the weight and least well trained to understand how the load must be born.

The Negroes of New Jersey have been facing this situation all their lives. It has conditioned their thinking, limited their horizons, and deprived them of a fair share in the rising prosperity of the State. Increasingly, they have been herded together in the decaying centers of our largest cities. Many of those who have come crowding into the cities are semi-literate or illiterate. Employment discrimination has prevented them from acquiring the means to improve their condition and that of their children.

This outline of some of the aspects of Negro employment in New Jersey is not in any sense a comprehensive one. The problems that face society are the responsibility of the whole society, Neither employers nor unions nor public officials of the State can be accused of any specific negligence of civil rights which is not common to our society as a whole. In fact, one often feels that these men of predominantly good will are caught in the system in much the same way as the Negro. The problem is that few of them see the situation in its entirety. Each is accustomed to the conditions that exist in his own area of responsibility--so accustomed that he does not recognize them as unjust and never sees them as part of a tragic and vicious whole. Without our knowing it, against the expressed ideals of our State and National Constitutions, and perhaps even against the conception which the citizens of New Jersey have of their society, this system has developed over the years. And, although there is great improvement in some areas, the problems are multiplying far more quickly than the solutions.

6. Employment Recommendations

1. Public Construction.--Federal and State legislation should be passed and/or executive orders issued forbidding the expenditure of public money without solid evidence that existing clauses against discrimination have been honored. The presence of a reasonable, not a token, number of nonwhites and Puerto Ricans should be accepted as evidence of compliance, with the proviso that all workers in the same job category should enjoy the same rights, privileges, and conditions of employment. If the public contracting agency signs a contract involving union labor, it should not accept as evidence of compliance with antidiscrimination regulations the practice of issuing permits to nonwhites and Puerto Ricans who are qualified to do the work but not allowed to join the union.

In the absence of a reasonable number of nonwhite or Puerto Rican workers in any job category, proof of genuine efforts to obtain such qualified persons shall be submitted to the head of the contracting agency in the case of Federal construction or to the director of the Division on Civil Rights in the case of State construction. It would facilitate matters if some informal liaison could be worked out between the State director and appropriate Federal agency chiefs to coordinate computation of what constitutes a reasonable proportion of nonwhites and Puerto Ricans.

Insofar as State construction is concerned, the director of the Division on Civil Rights should determine what constitutes a reasonable number of nonwhites and Puerto Ricans by weighing such factors as the proportion of minority groups in the local population and the nature of the work involved. The director's decision as to a reasonable number should be final if supported by substantial evidence.

Responsibility for insuring compliance with such regulations should rest with the public contracting agency. Signing a contract without evidence of compliance should subject the responsible officer to dismissal.

2. Private Employment.--New Jersey fair employment legislation should be amended to require private employers not doing business with the State to hire a reasonable number of nonwhites and Puerto Ricans. Again, the decision of the director of the Division on Civil Rights as to a reasonable number should be final if supported by substantial evidence.

3. Guidance Counseling.--Guidance counselors should be directed by the State Department of Education to include a study of the apprenticeship and employment opportunities for minority group members in their counseling work. Through memoranda sent by the department at regular intervals, counselors should be kept aware of changes in the apprenticeship and employment situation. They should notify the Division on Civil Rights of any difficulties that seem to have a base in discrimination.

NOTES: PART 2 - EMPLOYMENT

1. 18 N.J.S.A. 25-12.
2. 18 N.J.S.A. 25-17.
3. Opportunities for Negro women in banking and insurance should be especially plentiful inasmuch as from 60 to 75 percent of the total employment is female.
4. See testimony of Clement Cambon, Jr., vice president in charge of personnel of Fidelity Union Trust Company, Hearings before the United States Commission on Civil Rights, Newark 47-49 (Sept. 11-12, 1962). (Hereinafter referred to as Newark Hearings.)
5. Unpublished transcript of open meeting of the New Jersey Advisory Committee, Camden, New Jersey, Oct. 15, 1962. (Hereinafter referred to as Camden Meeting Transcript.)
6. Tests usually are a hurdle for Negroes to overcome. More specifically, the I.Q. tests given school age children presuppose a background of culture and experience, which is often far beyond the reach of the deprived urban Negro. In spite of this, tests play an important role in job qualifications. The "Short Employment Test" is used by employers in New Jersey. In addition, the United States Employment Service in New Jersey conducts a 3-hour test, "The General Aptitude Test Battery," by invitation of the various schools throughout the State.
7. Newark Hearings 43.
8. Id. at 44.
9. Id. at 11.
10. Camden Meeting Transcript.
11. Ibid.
12. Ibid.
13. Ibid.
14. Newark Hearings 59.
15. Id. at 63.

16. Id. at 66.
17. Id. at 61.
18. Id. at 62.
19. Camden Meeting Transcript.
20. Newark Hearings 71.
21. Ibid.
22. Id. at 58.
23. Id. at 61.
24. Id. at 62.
25. Id. at 75.
26. Id. at 65.
27. Id. at 68-69.
28. In Newark, for example, where over 60 percent of the school children are Negro, 33 percent of those enrolled in the final four grades failed to graduate in 1962. Special studies of the dropout problem are in progress, according to Dr. Charles J. Tabler, consultant in guidance and testing, Department of Education, but the special problems of Negro dropouts are not being considered. The reason for this is probably New Jersey's law against keeping records by race.
29. Accordingly, it might be wise to study welfare practices and policies in the light of an overall program.
30. Eight-hundred and fifty of these guidance counselors are members of the Personnel and Guidance Association.
31. Welfare Reporter 158 (Oct. 1962).

PART III. APPRENTICESHIP TRAINING

1. Background

With unskilled job openings steadily diminishing and with the increasing need for skilled workers accepted everywhere as axiomatic, apprenticeship training has become one of the main avenues to union membership and to employment. It is particularly striking, therefore, to note that in 1961 apprenticeship training enrollment in New Jersey had fallen to 3,600 from a high point of nearly 8,000 in 1948.¹ Perhaps one factor contributing to the low enrollment rate is the fact that Negroes have systematically been discouraged in their attempts to enter apprenticeship training programs in the State. This section of the New Jersey Advisory Committee report examines evidence of discrimination in union membership and apprenticeship training, and attempts to discern ways by which the Negro may soon partake fully in the benefits provided by both programs.

The preliminary study of the apprenticeship training program, which was included in the 1961 report of the New Jersey Advisory Committee to the United States Commission on Civil Rights, forms the background of this survey of the problem. The report reads as follows:²

The apprenticeship training program in New Jersey involves two separate governmental agencies: The Federal Bureau of Apprenticeship and Training, which promotes apprenticeship in New Jersey; and the New Jersey Department of Education, Vocational Division, which approves the establishments in which training is given and provides related instruction through local technical-vocational schools. Neither agency can control admission into the program and neither assists individuals in finding apprenticeship openings. Of the 3,975 apprentices enrolled in the New Jersey program in 1960, only 14, or less than one-half of one percent, were nonwhite. This is particularly striking when one considers that the total vocational school enrollment was 30,000 (including approximately 4,000 apprentices), and that of those outside the apprenticeship program, about 30 percent were nonwhites.

The situation had not improved in October 1962, when the New Jersey Advisory Committee conducted an open meeting in Camden. Charles Ashley, field representative, Division on Civil Rights, New Jersey Department of Education, described the importance of the apprentice program and the difficulties Negroes experience in entering it.³

There are usually only two ways to enter the craft unions--through apprentice programs administered by the unions, or by admission as a journeyman as a result of a qualifying test given by an examining board.

The fact that there are only 14 Negro apprentices out of approximately 3,900 in the State of New Jersey attests to the exclusion of Negroes from the program. Invariably this apprentice program in the craft unions is open only to relatives of employers or to relatives of members of the union. Thus, it is easily seen that since Negroes are hardly ever union members their chances of participating in the apprentice programs are almost nonexistent.

In other words, a little over one-third of one percent of the total number of apprentices in New Jersey are Negro. If the percentage of Negroes participating in apprenticeship programs were comparable to the percentage of Negroes in the State--around 12 percent--there would be about 30 times as many Negro apprentices than there are at present.⁴

In his testimony before the United States Commission on Civil Rights, in Newark, Adolph Holmes, industrial relations secretary, Urban League of Essex County, commented on the two most common reasons--discussed in greater detail later in this report--why Negroes have not participated on their own initiative in the State's apprenticeship program:⁵

One of the usual routes to membership in the local union is through apprenticeship training. The question is raised, then, as to why Negroes do not enter such programs. I would like to suggest two reasons why they do not: namely, one, information regarding openings and examinations is not normally disseminated to the Negro community; second, many times an apprentice must be recommended by a union member. As a consequence, it is obvious that few, if any Negroes ever had the opportunity to apply for apprentice training.

Holmes went on to report that the Urban League has contacted the various craft and building trade unions in his county and informed them of an available supply of Negroes who are qualified to go into their apprentice programs. According to Holmes, though, "they give the reason that the time is not right or many of the other reasons that you hear as to why 'We cannot do it at this time.'"⁶

Thus, although apprenticeship training plays a significant role in the overall employment situation, statistics plainly demonstrate that its benefits today are still limited to whites only. The next chapter will examine the detrimental effects of such discrimination on the Negro's job aspirations and opportunities.

2. Significance of Apprenticeship Training

Apprenticeship training occupies a pivotal position both in gaining union membership and in procuring skilled employment. Discrimination in either of these two areas means that the Negro is deprived of the advantages which may be reaped by his white counterpart.

Louis Vehling, business manager, Local 52, International Brotherhood of Electrical Workers, told the Commission about the importance of apprenticeship training for securing admission into his union:⁷

Methods of becoming a member are as follows: (1) Through the apprenticeship program. This is the usual and almost the exclusive method, although others are theoretically available and occasionally used. It is a practice in the union that qualified sons' of members are given preference; approximately 50 percent of the apprentices who are initiated into membership are sons of members.

William F. Confroy, business representative, Plumbers Union Local 24, testified to this same point:⁸

The procedure for becoming a [union] member varies. The most usual is through the apprenticeship program. However, when we sign up a new employer, we accept his employees into membership.

It is difficult, however, for Negroes to enter apprenticeship training programs and thus gain admission into a union. Elijah Perry, Negro city councilman in Camden, told the Committee of his efforts to invade the pipefitter's union through its apprenticeship program:⁹

As far as the Pipefitter's Union is concerned, I know there are no Negroes in the apprentice program. . . . When I called for an appointment, there was no problem in getting one. There hadn't been any [Negroes] before, you see, and I understand that no one has attempted to try and invade that union . . . they [Union] have a committee--apprentice--who selects young men who are to become apprentices and if you can invade that committee, it's pretty sure we can get someone in. So I was trying to get them to accept someone.

Perry concluded his comment by saying that "it's going to be quite a job getting men into the Pipefitter's Union . . . because the skill--there are not too many who have the skill."10

Vehling underscored Perry's testimony about the importance of apprenticeship training as a qualification for union membership. He explained to the Committee why his union had turned down two Negro journeymen.11

The policy of my local is to take in apprentices. Only in a few instances are journeymen taken in, and those are cases where they have civil service jobs, or there are certain special qualifications needed that these gentlemen may possess.

As the foregoing statements indicate, the apprenticeship training program is of great importance to anyone who seeks employment in a skilled trade or union membership. The present admissions procedure of these programs, however, mediates against the Negroes gaining entrance.

3. Entrance Procedure

The method for securing entrance into an apprenticeship program can be lengthy and complicated. The system as it now functions in the majority of such programs places emphasis on sponsorship, election, and family relationships, and reflects the deliberate desire of unions to limit entrance into certain trades.

Romeo Jensen of Ironworkers Local 11 was asked by the Commission how a person qualifies for admission to the apprentice program of his trade:¹²

You must have two sponsors, and if he is accepted he'd have to go through the training program. After from 2 to 4 years he qualifies; he goes before the examining Board, and if he's qualified he's accepted.

Mr. Confroy of the Plumbers Union had explained his union's apprenticeship procedure up to 1958:¹³

We have a clause in our contract which has been in the contract for many years, reading as follows:

"Sec. 6. Registration and issuing of all apprentice cards, rules and regulations governing apprentices desiring to learn the plumbing trade, shall be under the supervision of a joint board for apprentices, consisting of members of the party of the first part and members of the party of the second part in equal number."

For many years this joint board functioned actively, selecting the apprentices, supervising their training and schooling and certifying the completion of their apprenticeship. . . . About 1958, the joint board ceased to function, although the clause is still in our contract. This largely resulted from a lack of demand for apprentices, combined with a lack of desire on the part of the young men to become apprentices at the low rate of wage during the first 2 or 3 years.

Mr. Vehling of the IBEW also told about the difficulty of gaining admission to his union's apprenticeship program. He related the following story about a group of young Negroes to illustrate his point:¹⁴

We were visited one evening by a group of young Negro men all of whom demanded admission as apprentices. It was obvious that they did not know the normal procedure, which is that an applicant must first be referred for employment and perform satisfactory work in that capacity for at least six months, and usually longer, before becoming apprentices. Although there is no official "waiting list" of men waiting for such referral, the list of such men actually at work is usually referred to as a "waiting list"--that is, men waiting to become apprentices. These men were told that this "waiting list," the number of men already working, was already too long, and that there was no opening at that time.

One thing must be clear--we cannot discriminate against other groups in order to provide employment for one group. We cannot make apprentices out of Negro applicants, while there are 70 to 75 men actually working as helpers, waiting to become apprentices.

He commented, in addition, that about 50 percent of the apprentices in his trades' program were sons of journeymen and that of the other 50 percent, "some are relatives, some are recommended by employers, some by vocational schools. Some merely apply for work."15

He was asked if this would result in exclusion of Negroes and replied:16

I wouldn't exactly agree with that. In order to become an apprentice in my local union, a young man has to apply for work, and he has to apply in the morning between 8 and 10, Monday to Friday, and when work is available they are sent out in their turn, regardless of their race, creed, or color.

He admitted, however, that Negroes would have no chance for the 50 percent of jobs that go to sons of members. Asked how this could be corrected, Vehling answered:17

Well, I'm no authority on race relations. I would think that probably if various groups would take a deeper interest in these matters--there have been a number of charges filed. In my opinion, that's the wrong way about this, the wrong way to solve this problem. I think groups such as the Urban League and the vocational schools should take an interest in trying to educate young Negroes so they will be qualified, and recommending them.

Commissioner Robert S. Rankin asked Vehling whether he still would not take the son of a member over somebody recommended by the Urban League. The reply was unequivocal. "The son of a member has preference, regardless, over all other applicants."¹⁸

John E. Joyce, Jr., vice president and secretary of John E. Joyce, Inc., and a member of the Apprenticeship Committee of Steamfitters Local Union 465, defended the guild system of family relationships in the apprenticeship training program for the benefit of the Advisory Committee:¹⁹

The development of the craft, highly skilled craft, trades that we know is more or less an inheritance of the concept of a guild system, although greatly liberalized. The way I look at it, it's pretty much run that way, and there is a natural preference for sons and relatives of journeymen. I don't think this is an unworthy tradition. It may not be to the Negroes' advantage, but it happens in many other walks of life. For instance, in your colleges and universities, favoritism is shown to sons of alumni.

One of the main reasons the craft unions do not expand . . . is that we have to hark back to the days of the 1930's when this was one of the most desirable industries, and today I know even among our plumbers and steamfitters 1,600 hours of employment in the year is an exception rather than the rule.

Mr. Joyce went on to discuss the qualifications for membership in his union's apprenticeship program:²⁰

The qualifications for a steamfitter apprentice for the apprenticeship program the applicant receives at the office of the apprenticeship committee. A man must be 18, no more than 21; except for military service the maximum age is 25. They must pass a physical exam.

We have had four classes in the past 7 or 8 years. . . . We have never had to recruit any apprentices. We, in fact, have to turn most of the applicants down.

There is considerable evidence that the number of apprentices is controlled by agreement with the union. This leads to the deliberate effort on the part of unions to limit the number of those who enter the trade to the expected demand for workers. For example, C. W. Myers, industrial relations officer of the New York Shipbuilding Corporation in Camden, stated:²¹

We're limited by contract with our labor union as to the number of apprentices we can have in the plant. That is, we are permitted to have one apprentice for each ten craftsmen at the first-class skill level and above. So, we reduce, as a result of reduction of force to 90 people, we must eliminate one apprentice.

Thus to gain entrance to the apprenticeship training program and through that program to find a job in the highly paid skilled trades, the Negro must surmount the hurdles of sponsorship, family relationships, and the desire or necessity to limit the supply of workers. It is obvious that clauses against discrimination are not sufficient to open the benefits of apprenticeship training to any significant number of Negroes in New Jersey.

4. Major Obstacles to Negro Participation in Apprenticeship Programs

Commission Chairman John A. Hannah questioned Mrs. Amy Terry, industrial training adviser for minorities, Bureau of Apprenticeship and Training, United States Department of Labor, and Neil Kort, New Jersey State Supervisor, also from the Bureau of Apprenticeship and Training. The Chairman asked both witnesses to pinpoint, if they could, the major obstacles to Negro training and to suggest means of overcoming them. Two dominant reasons emerge: lack of information among Negroes about the program, and lack of enforcement of the existing nondiscrimination clauses.

Speaking to the first point, Mrs. Terry indicated that Negro youths generally do not know when, where, or how to apply for apprenticeship training. Noting that such information is not widespread, she said:²²

The only people who know that there are apprentice opportunities available are the sons, nephews, the relatives and the friends of those who are already in the trades. . . . Negroes . . . have no one or have few people within the trades and, therefore, are not aware of the opportunities which exist. . . .

Mrs. Terry felt that steps should be taken to inform Negroes of existing openings and to insure them that once they apply, discrimination will not prevent their entering the trades.

Kort testified that the Bureau of Apprenticeship and Training always has attempted to insure that no apprentice program would be registered which contained a discriminatory clause. The Bureau, however, has no investigatory or enforcement power. Labor Secretary Goldberg directed that a nondiscrimination clause, consistent with Executive Order 10925, be included in every new apprentice program, in order to underscore the importance of equal opportunity for such programs. The Bureau was also ordered to require the inclusion of a specific nondiscrimination statement in the apprenticeship standards of firms handling Government contracts. Kort said that the requirements were all in effect.²³

Berl I. Bernhard, Commission Staff Director, explored the nature of the control which the Bureau of Apprenticeship and Training (BAT) exercises over union apprentice training programs. After ascertaining that the programs of the union represented by

Confroy and Vehling were registered with BAT, Mr. Bernhard asked whether the Bureau had ever raised the question as to why there are no Negroes in their particular unions.²⁴

Vehling's answer was that the question had never been raised either by the Bureau or in executive board meetings. He acknowledged the existence of nondiscrimination clauses in the training program of the Department of Labor as well as in union contracts. Nevertheless, he could recall only one Negro member in the 23-year period he has been connected with IBEW Local 52.²⁵

Confroy stated that there had been two Negroes in his union, but well before his time.²⁶

In response to a subsequent question regarding responsibility for the enforcement of nondiscrimination clauses, State Supervisor Kort emphasized again that his agency merely has the duty to see to it that all contracts include nondiscrimination clauses. Enforcement, he added, is left to the contracting agency.

When asked by Staff Director Bernhard, if a method of supervision to insure enforcement of the nondiscrimination clause would help, he replied, "I don't believe so. I think we have been pretty successful on a voluntary program."²⁷

Mrs. Terry, the BAT minority group advisor, speaking of the frustration caused by lack of enforcement of nondiscrimination clauses, expressed a slightly different view.²⁸

Well, that's the point which I find very frustrating at the moment because I faithfully submit reports each week as to the visits I have made and what I have gotten out of them, and there is no way that it is followed up and something is done to see that the employer or the union is going to take some positive steps towards changing this picture of racial discrimination.

I think that's one of the weaknesses of the whole program of apprenticeship and training because, as I said before, many of them have clauses, nondiscriminatory clauses, but if they are buried in somebody's desk and nobody does anything to implement them we will find 10 years from now there will still be 14 Negroes in the State of New Jersey who are receiving apprenticeship training.

To Bernhard's question whether she thought that "... something more than mere rhetoric and good intentions are required," Mrs. Terry replied, "Yes, I definitely do."²⁹

Kort spoke of a program newly created by BAT designed to disseminate information about apprentice programs to minority groups. Although the program had existed for 2 years, he could see no results as far as minority groups were concerned. He indicated that he was not free to modify the information program in the light of this lack of results, since it originates in Washington.³⁰

Dr. Neal B. Perkins, Director of Trades and Industrial Education, New Jersey Department of Education, told the Committee that on the State level most of the information about apprenticeship programs is disseminated through the schools. Since there is no classification as to race, creed, color, or national origin in the school records, he could not determine whether the program was a success or a failure as regards minorities.³¹

Some months after the Commission hearings in Newark, the Advisory Committee checked with Dr. Perkins at the New Jersey Department of Education to see what progress had been made in securing equal opportunity for Negroes in the apprenticeship training program. Dr. Perkins emphasized again that the New Jersey Bureau of Apprenticeship and Training has no figures concerning the number of minority group members in the program, although the total enrollment figure (3,876 as of January 1963) was available. He told the interviewers that it was impossible for him to give them current figures on the number of Negro apprentices in the State, in spite of the fact that, in 1961, the figure of 14 Negro apprentices had come from the New Jersey Department of Education. He emphasized also that the New Jersey Bureau of Apprenticeship and Training does nothing more than register the indentured apprentices who already have contracts, and that the Department has no authority as to which workers are given contracts, and, thereby, made eligible to enter the program. Dr. Perkins was asked, as he had been at the Newark hearings, why there were so few Negroes enrolled in apprenticeship programs in the State, and he answered, as he had in Newark, that the reason was that so few Negroes were employed in the trades the programs cover. It was clear to the committee members that the Department of Education had made no effort following the Newark hearings to check on the compliance with the nondiscrimination clauses that are included in all the contracts.

5. Conclusions

Despite the fact that the unions, the employers, the State of New Jersey, and the Federal Government all have impressive clauses barring discrimination in any section of the apprentice training program with which they are concerned, it is obvious that apprenticeship training is almost entirely closed to Negroes in this State. The last available figures³³ show less than one-half of one percent enrolled. All the evidence, especially the sworn testimony given in Newark, leads to the inescapable conclusion that those who are in charge of registering and approving apprenticeship training programs in New Jersey--that is the State Supervisor of the Bureau of Apprenticeship and Training, U.S. Department of Labor, and the Assistant State Director of Vocational Education, an employee of the New Jersey State Department of Education--are either unwilling or unable to take any responsibility for the enforcement of a policy of equal opportunity. Further, although public funds (both State and Federal) are used in these programs, and although the related instruction is given in the public schools of our State, neither the Federal nor the State authorities concerned with the apprenticeship training program check to see whether or not there is compliance with the law against discrimination.

Admittedly, the apprenticeship program involves only a limited number of youngsters. This number has been decreasing in New Jersey in spite of the urgent need for skilled workers. It is true that the elimination of discrimination in this program would not solve the Negro employment problem. Nevertheless, the flagrant injustice of virtual Negro exclusion cannot be allowed to continue, especially since apprenticeship training offers an important, even if limited, avenue of escape from the ranks of the unskilled to which so many Negroes are currently confined.

Two years ago, this discrimination problem was brought to the attention of the United States Commission on Civil Rights. Last year, as a direct result of the Advisory Committee's 1961 report, legislation was introduced and passed in the New Jersey legislature specifically barring discrimination in the apprenticeship training program, and making the use of public funds and facilities illegal, if discrimination is practiced. This advance will remain of little importance, unless the legislation is enforced. It

appears from the available evidence that public officials had made no serious efforts to enforce the avowed policies of the State and Federal Government in this area by the time this report was submitted to the United States Commission on Civil Rights, in June 1963. With this in mind, the New Jersey Advisory Committee submits the following recommendations to the Commission in an attempt to bring about some form of corrective action.

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6. Apprenticeship Training Recommendations

1. In concert with the Regional Director of the Bureau of Apprenticeship and Training of the U.S. Department of Labor and the Director of Apprenticeship and Training in the New Jersey Department of Education, the Department of Labor and Industry of New Jersey should set up State Apprentice Training Information Centers in several of the largest cities of New Jersey. These centers would make available information on occupations which use apprentice systems; on industries and unions which have apprenticeship programs; on the procedures necessary to file applications for apprentice training; and on the qualifications for admission to the various programs. Following the experience of New York City, which has set up an information clearing house, the Apprentice Training Information Centers would not concern themselves with job placement.

2. A Joint Committee on Apprenticeship composed of representatives of labor unions, management, the Puerto Rican Department of Labor, the Manufacturers Association, the Urban League, the NAACP, the National Conference of Christians and Jews, and other religious and civic groups should be established by the Governor. In addition to these groups, the Committee should also include representatives of the New Jersey State Department of Labor and Industry, the Chief of the Vocational Division of the Bureau of Apprenticeship Training in the New Jersey State Department of Education, and the State Director of Guidance Counseling. Such a committee, now called "The Statewide Committee on Equal Opportunity in Apprenticeship and Training for Minority Groups" has been set up in California and has proved most useful.

3. In the expenditure of public funds, efforts should be made by Federal, State and other government bodies to encourage apprenticeship programs, making sure that apprenticeship opportunities are open equally to all.

4. A plan for enforcement of existing legislation against discrimination should be developed by the State Committee on Equal Opportunity in Apprenticeship and Training, providing for a reasonable number of nonwhites and Puerto Ricans in each program or trade. The number that should be considered reasonable should be determined by the Director of the Division on Civil Rights, in light of the proportion of these groups in the population, the nature of the

work, and other similar considerations. No apprentice should be registered in any trade or program in which a reasonable number of nonwhites and Puerto Ricans is not enrolled without proof of efforts to obtain such apprentices by the contracting agency for apprentices. Proof of such efforts should be submitted to the Director of the Division on Civil Rights for approval, and certified by him as satisfactory to the State Department of Education. State and Federal Directors of Apprentice Training should be responsible for compliance. In the absence of evidence of compliance, the responsible officers should be subject to dismissal. The decision of the Director as to a reasonable number should be final if supported by substantial evidence.

NOTES: PART 3 - APPRENTICESHIP TRAINING

1. U.S. Bureau of Apprenticeship and Training (BAT), reports that the total number of registered apprentices in New Jersey as of June 1963 is 4,519.
2. 1961 Report of the New Jersey Advisory Committee to the United States Commission on Civil Rights.
3. Unpublished transcript of the State Advisory Committee meeting in Camden, New Jersey, October 15, 1962. (Hereinafter cited as Camden Meeting Transcript.) For more recent statistics on the total number of apprentices in New Jersey, see note 1 supra.
4. Hearings in Newark, New Jersey, before the United States Commission on Civil Rights 93 (1962) (hereinafter cited as Newark Hearings).
5. Id. at 12.
6. Id. at 19.
7. Id. at 59.
8. Id. at 63.
9. Camden Meeting Transcript.
10. Ibid.
11. Newark Hearings 72.
12. Id. at 75.
13. Id. at 63.
14. Id. at 60-61.
15. Id. at 76.
16. Ibid.
17. Ibid.
18. Ibid.
19. Id. at 67-68.

20. Id. at 68.
21. Camden Meeting Transcript.
22. Id. at 94.
23. Id. at 81.
24. Id. at 79.
25. Ibid.
26. Id. at 80.
27. Id. at 97.
28. Id. at 99.
29. Ibid.
30. Id. at 98.
31. Ibid.
32. But see note 1 supra for an indication of the increase in total enrollment as of June 1963.
33. See note 1 supra.

AFTERWORD

The problems surveyed in the report of the New Jersey Advisory Committee called, in the opinion of the Committee, for determined action by governmental agencies at all levels. In the period of a few months following submission of our report to the Commission on Civil Rights the beginnings of such meaningful governmental activity could be observed in New Jersey. It would be difficult to pinpoint any single cause for the accelerated efforts but the Committee feels that they are of sufficient importance to be chronicled as an afterword to its report.

Shortly after this report was completed, Governor Richard J. Hughes and the Governors of several other States met with the President in Washington for a discussion of civil rights problems.

On June 10, Governor Hughes announced the appointment of a Governor's Committee on Equal Opportunity to "insure that all New Jersey fully realizes the inherent guarantees of the Declaration of Independence, the Bill of Rights, the New Jersey Constitution, and the law of New Jersey. . . ."

The Governor's Committee is made up of leaders in business, labor, religious organizations, civic groups, social action groups, as well as members of the New Jersey Legislature. The Committee has been divided into several task forces working toward full implementation of existing law and exerting persuasive force throughout the economic community of New Jersey in the interest of equal employment opportunity for all.

Agreements have been reached with various labor councils, trade associations and other business groups throughout the State to assure compliance with the spirit as well as the letter of the State's antidiscrimination laws. In addition, the Governor has set up a program to identify "equal opportunity employers." A statewide campaign is in process to enlist membership by large and small employers throughout the State.

On June 19, a group of 22 leaders of the Republican and Democratic parties met at the invitation of the Governor to organize a Bipartisan Conference on Equal Opportunity in New Jersey. This conference has been dealing with problems in three major areas: employment, housing, and education.

On July 12, the New Jersey Conference on Fair Housing Practices was held at the State House in Trenton. The principal speakers were: Governor Richard J. Hughes, Mr. Robert C. Weaver, Administrator of the Housing and Home Finance Agency, and Governor David L. Lawrence, Chairman of the President's Committee on Equal Opportunity in Housing. The Conference featured four workshops dealing with housing problems. Approximately 200 people attended the meeting and endorsed the New Jersey administration's fair housing bill.

On August 14, the New Jersey Real Estate Commission held public hearings on changes proposed to strengthen the regulations covering real estate brokers with relation to fair housing practices.

In addition, long dormant civic groups have in recent months become more aggressive and therefore more effective. The major religious groups have taken a firm stand in the field of race relations and are becoming increasingly vocal and influential throughout the State. There are many other signs that New Jersey is awakening to its grave responsibilities. Nonetheless, much more is needed by way of governmental and community action, and without delay, to improve the still dismal picture of opportunity for Negroes in New Jersey. The perspective of several months has not diminished the need for the reforms proposed by the Advisory Committee in its Report on New Jersey.